

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There are two Extraordinary issues to the Official Gazette, Series I No. 33 dated 14-11-96 as follows:

- 1) *Extraordinary dated 14-11-96 from pages 429 to 430 regarding Notification from Department of General Administration.*
- 2) *Extraordinary No. 2 dated 15-11-96 from pages 431 to 440 regarding Notification from Department of Finance (Revenue and Control Division).*

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/5/96/LA-Vol. I

The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Third Ordinance, 1996 (Ordinance No. 24 of 1996) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 20th June, 1996 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 9th September, 1996.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 20th June, 1996/Jyaistha 30, 1918 (Saka)

THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) THIRD ORDINANCE, 1996

No. 24 of 1996

Promulgated by the President in the Forty-seventh Year of the Republic of India.

An Ordinance further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

Whereas the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1993 has been introduced in Parliament but has not yet been passed;

And Whereas the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1995, to give effect to the provisions of the said Bill with certain modifications was promulgated by the President on the 17th October, 1995;

And Whereas the said Bill has not been passed;

And Whereas, for giving continued effect to the provisions of the said Ordinance the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996 was promulgated by the President on the 5th day of January, 1996;

And Whereas, for giving continued effect to the provisions of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996 the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1996 was promulgated by the President on the 27th day of March, 1996;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1996;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Third Ordinance, 1996.

(2) It shall be deemed to have come into force on the 16th day of November, 1995.

2. *Amendment of long title.*—In the long title to the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the principal Act), for the words "family pension fund", the words "pension fund" shall be substituted.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(a) clauses (gg) and (ggg) shall be omitted;

(b) after clause (k), the following clauses shall be inserted, namely:—

'(kA) "Pension Fund" means the Employees' Pension Fund established under sub-section (2) of section 6A;

(kB) "Pension Scheme" means the Employees' Pension Scheme framed under sub-section (1) of section 6A;'

(c) after clause (1), the following clause shall be inserted, namely:—

'(11) "superannuation", in relation to an employee who is the member of the Pension Scheme, means the attainment, by the said employee, of the age of fifty-eight years;'

4. *Substitution of the word "Pension" for the words "Family Pension".*— In the principal Act, for the words "Family Pension", wherever they occur, the word "Pension" shall be substituted.

5. *Substitution of a new section for section 6A and 6B.*— For section 6A and 6B of the principal Act, the following section shall be substituted, namely:—

"6A. *Employees' Pension Scheme.*— (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Pension Scheme for the purpose of providing for—

(a) superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Act applies; and

(b) widow or widower's pension, children pension or orphan pension payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 6, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme.—

(a) such sums from the employer's contribution under section 6, not exceeding eight and one-third per cent. of the basic wages, dearness allowance and retaining allowance, if any, of the concerned employees, as may be specified in the Pension Scheme;

(b) such sums as are payable by the employers of exempted establishments under sub-section (6) of section 17;

(c) the net assets of the Employees' Family Pension Fund as on the date of the establishment of the Pension Fund;

(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased

scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Central Board in such manner as may be specified in the Pension Scheme.

(5) Subject to the provisions of this Act, the Pension Scheme may provide for all or any of the matters specified in Schedule III.

(6) The Pension Scheme may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in that behalf in that Scheme.

(7) A Pension Scheme framed under sub-section (1) shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme."

6. *Amendment of section 6C.*— In section 6C of the principal Act,—

(a) clause (3) shall be omitted;

(b) clause (b) of sub-section (4) shall be omitted.

7. *Amendment of section 17.*— In section 17 of the principal Act,—

(a) for sub-section (1C), the following sub-section shall be substituted, namely:—

"(1C) The appropriate Government may, by notification in the Official Gazette, and subject to the condition on the pattern of investment of pension fund and such other conditions as may be specified therein, exempt any establishment or class of establishments from the operation of the Pension Scheme if the employees of such establishment or class of establishments are either members of any other pension scheme or proposes to be members of such pension scheme, where the pensionary benefits are at par or more favourable than the Pension Scheme under this Act."

(b) in sub-section (6), the words "as well as the employees' contribution" shall be omitted.

8. *Substitution of new Schedule for Schedule III.*— For Schedule III to the principal Act, the following Schedule shall be substituted, namely:—

"SCHEDULE III

[See section 6A (5)]

Matters for which provision may be made in the pension scheme

1. The employees or class of employees to whom the Pension Scheme shall apply.

2. The time within which the employees who are not members of the Family Pension Scheme under section 6A as it stood before the commencement of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Third Ordinance, 1996 (hereinafter, in this Schedule, referred to as the amending Ordinance) shall opt for the Pension Scheme.

3. The portion of employers' contribution to the Provident Fund which shall be credited to the Pension Fund and the manner in which it is credited.

4. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 6A as it stood before the commencement of the amending Ordinance.

5. The regulation of the period of service for which no contribution is received.

6. The manner in which employees' interest will be protected against default in payment of contribution by the employer.

7. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.

8. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.

9. The forms, registers and records to be maintained in respect of employees, required for the administration of the Pension Scheme.

10. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees.

11. The manner in which the exempted establishments have to pay contribution towards the Pension Scheme and the submission of returns relating thereto.

12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

13. The manner in which the expenses for administering the Pension Scheme will be met from the income of the Pension Fund.

14. Any other matter which is to be provided for the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme."

9. *Repeal and saving.*— (1) The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1996 is hereby repealed.

Ord. 14
of 1996

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

SHANKAR DAYAL SHARMA,
President

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Notification

7-9-96/LA

The Goa Public Health (Fourth Amendment) Act, 1996 (Goa Act 14 of 1996), which has been passed by the Legislative Assembly of Goa on 8-8-1996 and assented to by the Governor of Goa on 30-10-96, is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji 5th November, 1996

THE GOA PUBLIC HEALTH (FOURTH AMENDMENT)
ACT, 1996 [30-10-1996]

(Act No. 14 of 1996)

An
Act

further to amend the Goa, Daman and Diu Public Health Act, 1985.

Be it enacted by the Legislative Assembly of Goa in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Fourth Amendment) Act, 1996.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter called the 'principal Act') after clause (3), the following clause shall be inserted, namely:—

"(3A) 'Competent authority' includes,—

(a) the Chief Medical Officer (National Malaria Eradication Programme);

(b) Health Officer I/c and Medical Officer I/c of Community Health Centre/Upgraded Primary Health Centre/Primary Health Centre/Urban Health Centres of the concerned jurisdiction, under supervision of Chief Medical Officer (National Malaria Eradication Programme)."

3. *Insertion of new sections.*— After section 75 of the principal Act, the following sections shall be inserted, namely:—

"75A. *Screening of migrant labourers at construction sites.*— All migrant labourers who are brought from other States shall be screened for Malaria at the nearest Health Centre or mobile squads of National Malaria Eradication Programme. The Health Officer/Medical Officer I/c of the Directorate of Health Services shall then issue a health card with photograph certifying his present status of Malaria. No labourer shall be engaged by the contractor at the construction sites unless he has a health card. Similar screenings for Malaria shall be done once in every 3 months. The responsibility of obtaining the health card shall rest entirely on the labourer.

75AA. Penalty for offence under section 75A.—Whoever contravenes the provisions of section 75A of the Act, shall be punishable with fine of Rs. 1000/- per person each time and when the offence is a continuing one, with a daily fine not exceeding Rs. 50/- during the period of the continuance of the offence.”.

4. Amendment of section 76B.— In section 76B of the principal Act, for the words “rupees one hundred” the words “rupees five thousand each time” shall be substituted.

5. Insertion of new sections.— After section 76B of the principal Act, the following sections, shall be inserted, namely:—

“76C. Nuisance.— (1) The competent authority may, by notice in writing require the person by whose act, default or sufferance, a nuisance arises, exists or continues or is likely to arise; or the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise; or any one or more of such person, owner, lessee and occupier; to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the competent authority may specify in such notice.

(2) The competent authority may also by any notice under sub-section (1) or by another notice, served on such person, owner, lessee and occupier, or any one or more of them, require them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks fit and desirable specify any work to be executed or measures to be carried out for that purpose. If, at any time within two months from the date of service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(3) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises or any part thereof, the competent authority may, in addition to serving any notice on any one or more of the persons mentioned in sub-section (1) serve any such notice on the architect, contractor or other person employed to carry out such work of construction, reconstruction or demolition, as the case may be, and also on any sub-contractor employed by such contractor or other person or any one or more of such contractor, person and sub-contractor.

Explanation.— For the purpose of this section, a nuisance shall include.— (a) any pool, ditch tank, well, pond, quarry hole, drain water-course or any collection of water or (b) any cistern or other receptacle for water or any article or thing

capable of collecting rain water during the monsoon season whether within or outside a building or (c) any land on which water accumulates or is likely to accumulate or (d) any premises or part of any premises occupied, or unoccupied or under construction, reconstruction or demolition which, in the opinion of the competent authority, is or is likely to become a breeding place of mosquitoes.

76D. Regulation of new work.— (1) No new well, tank, pond, cistern or water fountain, swimming pool, etc. shall be dug or constructed without the prior permission in writing of the competent authority.

(2) If any such work is begun or completed without such prior permission, the competent authority may either,—

(a) by written notice, require the owner or other person who has done such work to fill up or demolish such work in such manner as the competent authority may specify; or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceeding for contravening the provisions of sub-section (1).

76E. Probability for certain acts likely to breed mosquitoes.— (1) The owner or occupier of any house, building or shed or land shall not keep therein any bottle, vessel, can or any other container, broken or unbroken, in such manner that it is likely to collect and retain water which may breed mosquitoes.

(2) All burrow pits required to be dug in the course of construction and repair of roads, railways, embankments, etc., shall be so cut as to ensure that water does not remain stagnant in them and borrow pits shall be so graded and profiled that the water will drain off by drainage channels/connections from one pit to the other till the nearest natural drainage/nullah is met with. No person shall create any isolated burrow pit which is likely to cause accumulation of water that may breed mosquitoes.

76F. Penalties.— Whoever, knowingly contravenes any provisions under sections 76C, 76D or 76E and disobeys any order or requisitions made under any of the aforesaid sections or obstructs any official of the Health Services, shall on conviction, be punished with fine which may extend to Rs. 1000/- and in case of continuing offence with further fine which may extend to rupees two hundred for every day after the first conviction during which such contravention continues.”

Secretariat Annexe,
Panaji,
Dated : 5-11-1996

B. S. SUBBANNA
Secretary to the Government of Goa,
Law Department (Legal Affairs)